

DEC 15 2006

PATENT
Attorney Docket No. VM7036492002
Varian No. 02#030REMARKS

Claims 1-3, 6-13, 21-25, 27-34, 39-42, and 46-53 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,950,493 (Besson).

Claim 1 recites a first target material that corresponds with a first portion of a radiation filter, and a second target material that corresponds with a second portion of the radiation filter. Claim 21 recites applying a first filter factor to the first x-ray radiation to obtain a first filtered radiation, and applying a second filter factor to the second x-ray radiation to obtain a second filtered radiation. Claim 39 recites that the first radiation filter is adapted to receive a first radiation generated using the first target material, and the second radiation filter is adapted to receive a second radiation generated using the second target material. Applicant agrees with the Examiner that Besson does not disclose these limitations. According to page 3 of the Office Action, column 47, lines 11-38 of Besson allegedly imply these limitations. However, this passage actually discloses:

Target surfaces may be disposed in such a manner as to allow continuous rotation of the target anode ("cylinder"). In such an arrangement, the surface geometry of each segment is designed to allow continuous anode rotation at a fixed rate while presenting the electron beam focal spot at an essentially fixed angle with respect to the detector (for a given electron beam scanning velocity). This focal-spot angle may then be adjusted by changing the phase between the electron-beam scanning waveform and the anode rotation waveform. The scanning period in one direction on the target is typically of the order of a few milliseconds. After beam retrace (during which time the electron beam is directed to a beam stopper, not the anode), the electron beam is redirected to the beginning of the next target segment, thereby allowing heat dissipation in the previous segment as well as *possible selection of a new spectrum (via X-ray techniques (generator peak kilo-voltage (kVp), tube current (mA)), filtration, and anode target material)*. Alternatively, the surface of a cylinder of appropriate diameter can be used directly to deposit the target materials; in such a geometry, the relative timing of the sweep and rotation phase is not as important as in the multi-facet case. Alternatively, the target may be stationary and may comprise one, two, or more target segments made of different materials with properties appropriate for x-ray imaging. Therefore this tube and

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system design presents unique advantages for practical implementation of a multi-spectral limited-angle tomography system.

(Emphasis Added)

As such, the cited passage of Besson merely discloses obtaining a spectrum using x-ray techniques, filtration, and anode target material. There is nothing in the cited passage of Besson that discloses or suggests a first filter portion/factor and a second filter portion/factor that correspond with a first target material/radiation and a second target material/radiation, *respectively*.

Also, according to the Office Action, in order to obtain a desired spectrum, one would take into account the target material and the type of filter being used. However, Applicant respectfully submits that even if this were true, it does not automatically mean that the system disclosed in Besson has different filter portions corresponding to different respective target materials/radiation. This is because, a desired spectrum may be obtained, for examples, with a null filter (no filter), with different target materials that are used with the same filter, or with different filters that are used with the same target material, none of which would require different filter portions to correspond with respective different target materials/radiation. As such, a mere disclosure of filtration and target material does not automatically necessitate a finding that the reference suggests first and second filter portions/factors that correspond to first and second target materials/radiation, *respectively*.

For at least the foregoing reasons, Applicant respectfully submits that the § 103 rejection be withdrawn.

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CONCLUSION

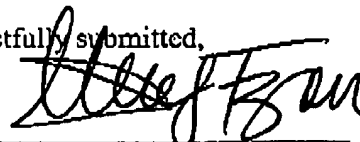
If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

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Respectfully submitted,

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